

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
GSO ARCHITECTS, INC.	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant GSO Architects, Inc. (“GSO”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.

2. GSO is a Texas for-profit corporation with its principal place of business located at 5310 Harvest Hills Rd., Suite 146, LB 156, Dallas, TX 75230. It can be served through its registered agent for service of process, John E. O’Brien, who resides at the same address.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

4. This Court has jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(d), and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 733-741 (“Copyright”) titled Brian Harness Photography Collection 2007 Vol. I. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness (“Harness”). *See id.*

9. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B.

10. Harness, a professional photographer, is the sole member of RBH.

11. On March 25 2005, Harness entered into a license (“Precept Builders License”) with Precept Builders in Dallas, Texas to take architectural photographs of the Pinnacle Business Center in Dallas. A true and correct copy of the Precept Builders License is attached hereto as Exhibit C.

12. The Precept Builders License called for Harness to deliver four photographs to Precept Builders, and granted them the following license: “License: Unlimited time use in Precept Builders brochures and www.preceptbuilders.com website.” *See* Exhibit C at 1.

13. The Precept Builders License set forth that it was not transferrable: “All rights not expressly licensed to Client in writing remain the exclusively property of the Photographer.” *See id.* at 2. As such, no person other than Precept Builders had any rights, either express or implied, to use the photographs subject to the Precept Builders License without the express permission of Harness, or now, RBH.

14. All photos subject to the Precept Builders License were registered as a collection of photographs submitted as part of U.S. Copyright No. VAu 733-741.

15. The photos that were provided to Precept Builders were registered with U.S. Copyright on February 5, 2007. *See* Exhibit A.

16. One of the photos of the Payless Shoesource, within the Pinnacle Business Center, that was subject to the Precept Builders, and included as part of the Copyright, is the following exterior photo:



17. Defendant GSO, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website: <http://www.gsoarchitects.com/>. A true and correct copy of a screenshot (captured on July 16, 2013) of this web page is attached hereto as Exhibit D.

GSO Architects

7/16/13 5:31 PM



[Home](#) > [Projects](#) > [Retail](#)

Hawk's Creek Village

In White Settlement, Texas, this distinctive two building retail center integrates stone and traditional Spanish architecture. Developed in partnership with O'Brien & Associates.



PROJECTS

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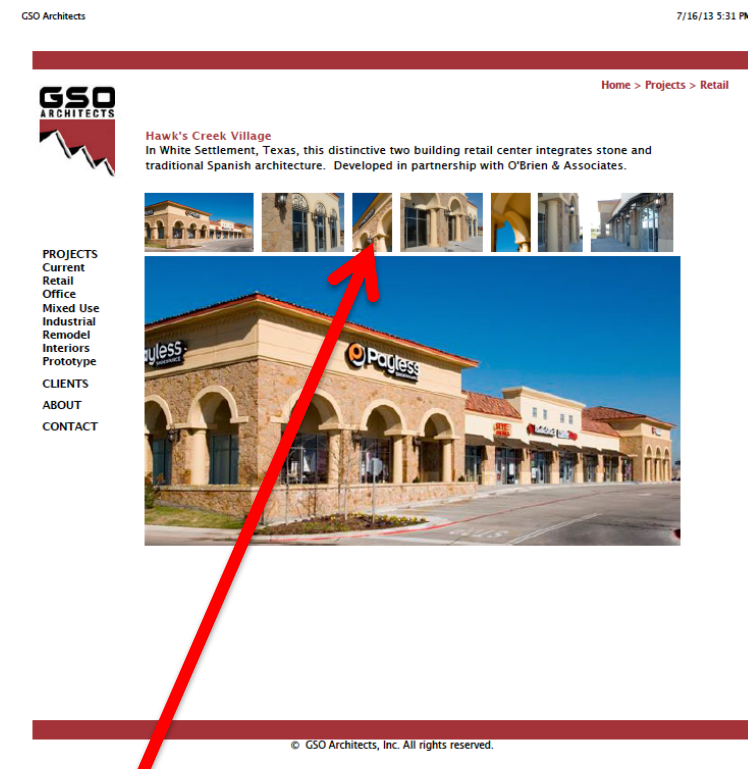
© GSO Architects, Inc. All rights reserved.

18. The photograph, noted above, remained on GSO's website until sometime after July 2013.

19. Another photo subject to the Precept License and included as one of photographs submitted as part of U.S. Copyright No. VAu 733-741, was alternative photograph Shoesource:



20. GSO, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website: <http://www.gsoarchitects.com/>. See Exhibit D.

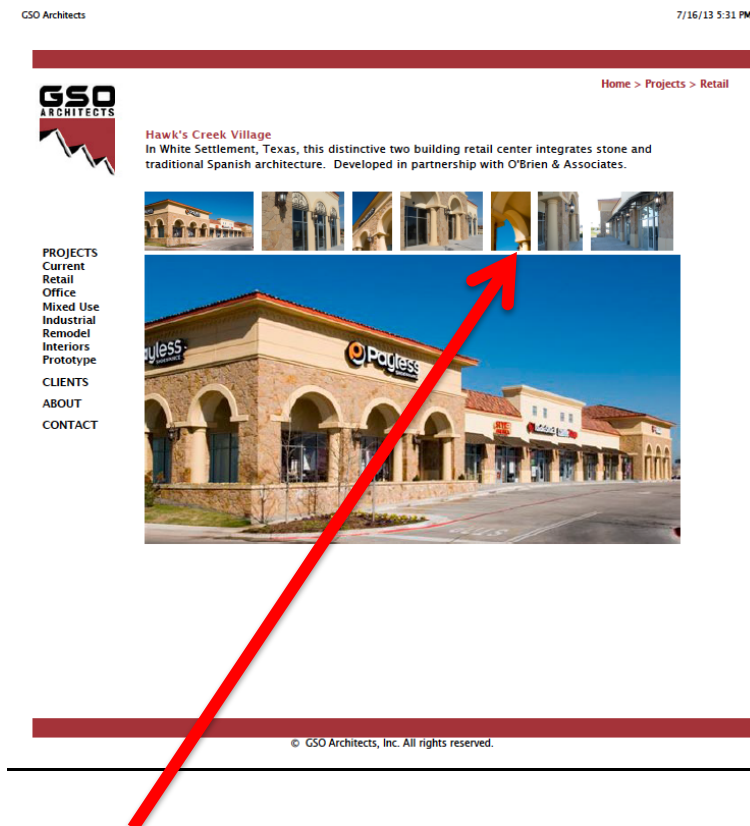


21. This second photograph, noted above, remained on GSO's website until sometime after July 2013.

22. A third photo subject to the Precept License and included as one of photographs submitted as part of U.S. Copyright No. VAu 733-741, was a photograph of archway structure of the Pinnacle Business Center:



23. GSO, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website: <http://www.gsoarchitects.com/>. See Exhibit D.



24. This is third photograph, noted above, remained on GSO's website until sometime after July 2013

25. Because GSO had no permission to use the protected photographs, GSO is liable for direct copyright infringement.

COUNT 1 – COPYRIGHT INFRINGEMENT

26. RBH realleges paragraphs 1 through 25 as if set fully herein.

27. RBH alleges GSO is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

28. RBH has been damaged by GSO's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant GSO Architects, Inc. be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant GSO Architects, Inc. be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant GSO Architects, Inc. pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant GSO Architects, Inc. pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: February 10, 2016

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
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